



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, February 20, 2017

5:30 PM

2nd Floor Conference Room

City Manager's Agenda Review

1. CALL TO ORDER:

Mayor Masiarczyk called the meeting to order at 5:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Bradford
Commissioner Herzberg
Commissioner Honaker
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

Absent: 1 - Commissioner Alcantara

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk led the Pledge to the Flag.

A. Silent Invocation presented by Mayor Masiarczyk.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of February 6, 2017, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

5. PRESENTATIONS/AWARDS/REPORTS:

6. CITY COMMISSION SPECIAL REPORTS:

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

9. ORDINANCES AND PUBLIC HEARINGS:

Item A. Public Hearing - Ordinance No. 30-2016, Rezone Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - work with existing businesses to expand and grow.

Mayor Masiarczyk stated this item is a rehearing of a zoning request "only" for the 1.46 acres located at the intersection of DeBary Avenue and Providence Blvd.

City Manager Shang reminded anyone who has had any ex-parte communications regarding this item whether it be a phone call, email, letter or other it must be made known.

There were no other comments on this item.

B. Public Hearing - Ordinance No. 34-2016, Amending the Comprehensive Plan of the City of Deltona Capital Improvements Element, at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

Strategic Goal: Infrastructure - create a utility master plan consistent with zoning.

Mayor Masiarczyk stated this item is an ordinance amending the Capital Improvements Element (CIE) of the Comprehensive Plan for the second and final reading. He asked if there was any new information and Mr. Paradise responded "no".

Commissioner Soukup asked if the City is projecting 120,000 people in Deltona in the future but the fees stay at \$150,000 shouldn't the impact fees be going up. Mr. Bowley responded that it is recommended that the fee schedule be reviewed every five (5) years and we just approved this schedule. He stated we will revisit it in another five (5) years and that it would track with the increase in population and you keep those as close as possible with each other. Mr. Clinger stated his understanding is that the

impact fee does not track with the population, it tracks with construction so that increase from year to year remains relatively constant over time. Commissioner Soukup asked is that based off that 3% impact fee. Mr. Clinger stated that is a onetime shot for the City and if the growth from year to year stays relatively constant your revenue will stay the same and ultimately your population will be higher. Mr. Bowley stated it is presumed that an increase in population means an increase in impact so you want to make sure you get your impact fee as close to the potential impacts that will be occurring with the greater population.

There were no other questions or comments.

C. Public Hearing - Ordinance No. 35-2016, Small Scale Future Land Use Map Amendment Application for property located at the southeast corner of the intersection of Normandy and Saxon Boulevards, at first reading - Ron A. Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

Strategic Goal: Economic Development, determine the business niche for the City to target/pursue.

Mayor Masiarczyk stated this item is a future land use map amendment application at Normandy Blvd. and Saxon Blvd. intersection.

Commissioner Soukup asked if the lots are owned by one (1) person or by individuals and Mr. Bowley responded the lots are under unified ownership.

Mayor Masiarczyk stated the Commissioners have received emails on this one also. City Manager Shang passed out a letter that she received a couple of hours earlier today explaining it is from an attorney who represents Mr. and Mrs. Charles Pimenta who own a home adjacent to the assembled parcels. Mayor Masiarczyk stated this is new information for the Commission to review during break. City Manager Shang stated on the letter it says it was hand-delivered and emailed to the City Commission and she is not aware of anyone receiving this on Friday which is the date of the letter.

Commissioner Herzberg asked if that home was part of the original grouping of homes and were they asked to be included because, there is a for sale by owner sign there. Mr. Bowley responded that parcel was not. Mayor Masiarczyk stated he had some information to share at the regular meeting regarding this.

There were no other questions or comments.

D. Request for approval of Resolution No.2017-04 declaring certain property of the City as surplus and authorizing the sale or disposal of such property-various departments

Mayor Masiarczyk stated the next item is regarding declaring certain property as surplus

and there is a list attached. Commissioner Herzberg responded she will have questions to address at the regular meeting.

There were no questions or other comments on this item.

E. Public Hearing - Resolution No. 2017-01, Variance Request to locate a Shed on R-1 Zoned property - Ron A. Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

Strategic Goal: Public Safety, focus on City beautification.

Mayor Masiarczyk stated this item is regarding a shed on a property and when you look at the pictures it looks like it is just a judgment call for the Commission. He stated it is his understanding that requests for variances have to have some justification of an issue or hardship. It was determined the justification was due to the slope of the land and Mayor Masiarczyk stated that can be discussed at the regular meeting.

Commissioner Honaker stated property lines and fences on lakes are things we are looking at now and he believes the property lines are too stringent.

Commissioner Soukup asked if the City will ever need to get through there and Mayor Masiarczyk responded this is something that needs to be discussed at the meeting.

There were no other questions or comments.

F. Public Hearing - Resolution No. 2017-03, Budget Transfer of Grant Funds for Community Development Block Grant, Neighborhood Stabilization Programs, and State Housing Initiative Partnership - Chris Bowley, AICP, Director, Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - create more diversified and high quality housing opportunities.

Mayor Masiarczyk stated this budget transfer is grant money for the Community Development Block Grant (CDBG) Program and is just the standard.

Commissioner Soukup asked why there is left over money and Mr. Bowley responded it is due to the timing of the parks projects that were already identified as projects the City wanted to do and then the City had to spend the money in a certain time period and these funds are to be spent in this current fiscal year. Commissioner Soukup stated there are more than parks projects in this item. Mr. Bowley responded "yes" there is Neighborhood Stabilization Program (NSP) funds in the item as well and these funds are to be used primarily for the parks projects to be completed. Commissioner Soukup asked about there being State Housing Initiative Partnership (SHIP) funds in the item also. Mr. Bowley responded "yes" there is housing money in there as well and he

explained there has been quite a bit of spending of SHIP funds and that when we get the applications in, we process them as soon as we can.

Commissioner Herzberg commented that she has known several people that have had hardships, looked at SHIP funding and have gone through the meetings but, at the end the people decided that the commitment was not going to work for them. She stated she assumes you start with a pool of people, you have an allocated amount of money and people just drop out so she understands why there is some variation for not being able to dedicate all the funding in one (1) year. Mayor Masiarczyk commented that when you have people drop out you have money for new people to apply, that takes time and that is what the carry-over is for.

Commissioner Soukup asked why there are not alternates and Mayor Masiarczyk responded if you get people's hopes up and then the people do not get the money they may have passed up other options to get the money.

Commissioner Herzberg asked if we do not have enough applicants sometime and Mr. Bowley responded that there is usually a surplus of applicants but, it depends on the funding; sometimes the City receives \$0 dollars and then the City receives \$92,000 another year and then \$98,000 another year. Mr. Bowley stated it sounds like a lot of money but, it is really not when it comes to home repair and there is a preference for low and very low income to address the greater need. Commissioner Herzberg stated the SHIP funds come from the State Sadowski Trust Fund and for a while the State was using that trust fund to balance the budget. She stated the State was asked to either stop the SHIP Program or stop using the funds for other things; there was a settlement made and then the City began receiving larger amounts afterwards. Mr. Bowley explained when someone applies, you get an up to an amount but, then it is based on a cost estimate to make the repairs and whether the applicant stays in the program.

Commissioner Soukup asked how many applicants the program gets and Mr. Bowley responded the program qualifies and spends on about 20 - 25 applicants per year out of about 50 - 60 who apply and there is a lot of need with 33,000 homes in the City.

There were no other questions or comments.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Consideration of appointment of two (2) members to the Ordinance Review Committee. - Joyce Raftery, City Clerk's Office (386) 878-8502.

Strategic Goal: Internal and external communication.

Mayor Masiarczyk stated this item is to appoint two (2) members to the Ordinance

Review Committee (ORC) and these are Commissioner Alcantara's and Commissioner Soukup's appointments.

Commissioner Soukup asked who heads that committee and Mr. Bowley responded the Planning & Development Department does. Commissioner Soukup stated he spoke with the committee member who resigned to move to Georgia and she said everything was fine, good things were done but, her only concern was that they only got to look at what the Commission sent them; so being that they are on the ORC, they know the ordinances and would like to make changes to other ordinances, they were not allowed. He asked if there was any way that group could send any concerns to the Commission if they see anything. Mayor Masiarczyk responded when the policy was created for that committee the policy was set that way to avoid the committee going into all areas that the City was not ready to address which would set the Commission's agenda. He stated the Commission said specifically that the Commission would give direction to the committee on what ordinances to review. Commissioner Soukup asked how the committee could go about looking at and making suggestions on other ordinances and Mayor Masiarczyk suggested the committee could petition the Commission and ask to review another ordinance and the Commission would give direction on whether or not the committee can proceed. Mayor Masiarczyk stated that many of the ordinances are cross referenced with several departments and the Commission would not want the committee to think the Commission was not taking the committee's work seriously. He stated however, he did not believe there would be any objection by the Commission if the committee found a glaring error to bring that to the Commission for direction on how to proceed.

Commissioner Herzberg commented she agreed that the purpose for having the ORC was to involve residents and get their view on issues in the City and if there is an issue the ORC feels strongly about as a group then the group should be able to bring that issue forward. Mayor Masiarczyk responded this issue had not been brought up before but, he did not feel the Commission would have a problem with the committee bringing up an issue with Mr. Bowley and Mr. Bowley bringing it to the Commission for direction.

There were no other questions or comments.

B. Discussion re: Establishing form, content, and certification of petitions to amend Deltona City Charter - Chief Assistant City Attorney Wade Vose, Legal Department (386) 878-8852.

Strategic Goal: Internal & External Communications.

Mayor Masiarczyk stated this item is regarding procedure to amend the City Charter by petition.

There were no questions or comments on this item.

C. Discussion re: Charter Officers - Chief Assistant City Attorney Wade Vose,

Legal Department (386) 878-8872.**Strategic Goal: Internal & External Communications.**

Mayor Masiarczyk stated this item is regarding the issue of the resignation of the Vose Law Firm.

There were no questions or comments on this item.

12. CITY ATTORNEY COMMENTS:

There were no City Attorney comments.

13. CITY MANAGER COMMENTS:

City Manager Shang stated she had two (2) things; 1) is regarding emails sent to the Commission over the last few days regarding the installation of sidewalks on Timberlake and she believes there may be public comment on that tonight and 2) as a reminder the Commission is scheduled to have a Special Commission Workshop that is the continuation of the tabled meeting regarding our Operating Guidelines and Meeting Rules and Procedures on Thursday, February 23rd at 5:30 p.m. She stated she does not know depending on the discussion with the City Attorney whether we should move that meeting. Mayor Masiarczyk responded he did not want to influence that but, it may depend on how that last item comes out tonight and at that time the Commission can decide whether to move that meeting or add it to that agenda.

Commissioner Soukup asked if the meeting could be moved to Wednesday and it was determined there were scheduling conflicts on Wednesday.

Commissioner Bradford asked if it could be moved to the following week and it was suggested it could be moved to March sometime.

There were no other questions or comments on this item.

14. CITY COMMISSION COMMENTS:

Mayor Masiarczyk asked if there were any Commission Comments.

Commissioner Bradford stated she has a few things to bring up at the meeting to make everyone aware of things that are going on.

Mayor Masiarczyk stated former Commissioner Carl Carey is still in the hospital and he will be bringing that up at the meeting.

There were no other comments.

15. ADJOURNMENT:

Mayor Masiarczyk adjourned the meeting at 5:52 p.m.

Janet Day, Deputy City Clerk